

**THE MOTOR VEHICLES (BOMBAY AMENDMENT) ACT, 1947.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Amendment of section 42 of Act IV of 1939.
3. Amendment of section 43 of Act IV of 1939.
4. Amendment of section 44 of Act IV of 1939.
5. Insertion of new section 44A in Act IV of 1939.
6. Amendment of section 45 of Act IV of 1939.
7. Amendment of section 47 of Act IV of 1939.
8. Amendment of sections 48, 54, 55, 56, 57, 58 and 64 of Act IV of 1939.
9. Insertion of new section 48A in Act IV of 1939.
10. Amendment of section 58 of Act IV of 1939.
11. Insertion of new section 58A in Act IV of 1939.
12. Amendment of section 62 of Act IV of 1939.
13. Amendment of section 68 of Act IV of 1939.

BOMBAY ACT No. VII OF 1947.<sup>1</sup>

## [THE MOTOR VEHICLES (BOMBAY AMENDMENT) ACT, 1947.]

[23rd March 1947.]

## An Act to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay.

IV of 1939. WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Motor Vehicles (Bombay Amendment) Act, 1947. Short title.
- IV of 1939. 2. In section 42 of the Motor Vehicles Act, 1939 (hereinafter called the said Act), for clause (a) of sub-section (3), the following shall be substituted, namely :—

“(a) to any transport vehicle owned by or on behalf of the Central Government or a Provincial Government other than a vehicle used for a commercial purpose or for the purposes of a commercial department;”

3. To sub-section (1) of section 43 of the said Act the following shall be added, namely :—

“(iii) notwithstanding anything contained in section 58 or section 60 cancel any permit granted under the Act in respect of a transport vehicle or class of such permits either generally or in any area specified in the notification :

Provided that no such notification shall be issued before the expiry of a period of three months from the date of a notification declaring its intention to do so :

Provided further that when any such permit has been cancelled the permit holder shall be entitled to such compensation as may be provided in the rules ; or

(iv) declare that it will engage in the business of road transport service either generally or in any area specified in the notification.”

4. In sub-section (2) of section 44 of the said Act, the following provisos shall be added, namely :—

“Provided that if the Provincial Government so thinks fit the Provincial Transport Authority or a Regional Transport Authority may consist of a single official :

Provided further that nothing in this sub-section shall apply to an official merely by reason of the fact that the Provincial Government employing him has any financial interest in a transport undertaking.”

5. After section 44 of the said Act, the following new section shall be inserted, namely :—

“44A. Notwithstanding anything contained in this Act, the Provincial Government may by notification in the *Official Gazette* authorise the Provincial Transport Officer or a Regional Transport Officer to exercise and discharge in lieu of any other authority prescribed by or under this Act such powers and functions as may from time to time be specified in the notification.”

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1947, Pt. V, page 97; for Proceedings in Assembly, see *Bombay Legislative Assembly Debates*, 1947, Vol. X; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1947, Vol. XII.

Amendment  
of section 45  
of Act IV of  
1939.

6. To section 45 of the said Act, the following proviso shall be added, namely :—

“ Provided that the Provincial Government may by notification in the *Official Gazette* direct that applications for such class of permits in such region as may be specified in the notification shall be made to the Provincial Transport Authority.”

Amendment  
of section 47  
of Act IV of  
1939.

7. In section 47 of the said Act, in sub-sections (1) and (2) after the words “ Regional Transport Authority ” the words “ or the Provincial Transport Authority ” shall be inserted.

Amendment  
of sections 48,  
54, 55, 56, 5  
58 and 64 of  
Act IV of  
1939.

8. In sections 48, 54 (d), 55, 56, sub-sections (2), (3), (4), (5) and (7) of section 57 and sections 58 (1) and 64 (a) of the said Act, after the words “ Regional Transport Authority ” wherever they occur the words “ or the Provincial Transport Authority ” shall be inserted.

Insertion of  
new section  
48A in Act  
IV of 1939.

9. After section 48 of the said Act, the following new section shall be inserted, namely :—

“ 48A. Notwithstanding anything contained in sections 47 and 48, a Regional Transport Authority or the Provincial Transport Authority shall issue the stage carriage permit applied for by or on behalf of the Provincial Government or a local authority with the concurrence of the Provincial Government.”

Issue of stage  
carriage  
permit to  
Government  
or local  
authorities.

Amendment  
of section 58  
of Act IV of  
1939.

10. To section 58 of the said Act the following shall be added, namely :—

“ (3) Notwithstanding anything contained in sub-section (1) above, the Provincial Government may order a Regional Transport Authority or the Provincial Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in the Act.”

Insertion of  
new  
section 58A  
in Act IV of  
1939.

11. After section 58 of the said Act, the following section shall be inserted, namely :—

“ 58A. Notwithstanding anything hereinbefore contained, the Provincial Government may by order direct any Regional Transport Authority or the Provincial Transport Authority to grant a stage carriage permit to the Provincial Government or any local authority specified in the order.”

Grant of  
permit to  
local autho-  
rity.

Amendment  
of section 62  
of Act IV of  
1939.

12. In section 62 of the said Act,—

(i) after the words “ Regional Transport Authority ” the words “ or the Provincial Transport Authority ” shall be inserted ;

(ii) after clause (c) the following shall be inserted, namely :—

“ , or  
(d) pending decision on an application for the grant or renewal of a permit, ”

Amendment  
of section 63  
of Act IV of  
1939.

13. After clause (h) of sub-section (2) of section 63 of the said Act, the following new clause shall be inserted, namely :—

“ (hh) the compensation to be paid to a permit holder for cancellation of a permit in respect of a transport vehicle ; ”